

FILED

October 16, 2024

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: RR
Deputy

Case No: SA:24-CR-00522-OLG

UNITED STATES OF AMERICA

Plaintiff

v.

JOSE DAVID MOYA-MOYA

Defendant

INDICTMENT

COUNT 1: 18 U.S.C. § 933(a)(3)
Firearms Trafficking

COUNT 2: 18 U.S.C. § 922(g)(5)
Alien in Possession of a Firearm

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 933(a)(3)]

On or about September 14, 2024, in the Western District of Texas, Defendant,

JOSE DAVID MOYA-MOYA,

did knowingly attempt to ship, transport, transfer, cause to be transported, and otherwise dispose of any firearm, to wit, a Canik model TP9SF 9mm pistol, bearing serial number T6472-21 AT 08835, to another person in and affecting interstate or foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony, to wit, Robbery, in violation of Title 18, United States Code, Section 933(a)(3).

COUNT TWO
[18 U.S.C. § 922(g)(5)]

On or about September 14, 2024, in the Western District of Texas, Defendant,

JOSE DAVID MOYA-MOYA,

knowing he was an alien illegally and unlawfully in the United States, did knowingly possess a firearm, to wit, a Canik model TP9SF 9mm pistol, bearing serial number T6472-21 AT 08835, and the firearm had traveled in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(5).

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE

[See Fed. R. Crim. P. 32.2]

I.

Firearm Violation and Forfeiture Statutes

[Title 18 U.S.C. § 933(a)(3), subject to forfeiture pursuant to Title 18 U.S.C. § 934(a)(1)(A) and (B)]

As a result of the criminal violation set forth in Count One, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 934(a)(1)(A) and (B), which state:

Title 18 U.S.C. § 934. Forfeiture and Fines.

(a) Forfeiture. --

(1) In general. -- Any person convicted of a violation of section 932 or 933 shall forfeit to the United States, irrespective of any provision of State law--

(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation . . .

II.

Firearm Violations and Forfeiture Statutes

[Title 18 U.S.C. §§ 922(g)(5), and 933(a)(3), subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c)]

As a result of the criminal violations set forth in Counts One through Two, the United States of America gives notice to the Defendant of its intent to seek the forfeiture of the property described below upon conviction and pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. §

924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c), which states:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g)...of section 922 . . . or 933 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter. . . .

This Notice of Demand for Forfeiture includes but is not limited to the following:

1. Canik model TP9SF 9mm pistol, bearing serial number T6472-21 AT 08835; and
2. Any and all firearms, ammunition, and/or accessories involved in or used in the commission of the criminal offenses.

A TRUE BILL

FOREPERSON OF THE GRAND JURY

JAIME ESPARZA
UNITED STATES ATTORNEY

BY:



FOR WILLIAM F. CALVE
Assistant United States Attorney